

Mark M. Bettilyon (4798)  
Arthur B. Berger (6490)  
Elaina M. Maragakis (7929)  
RAY QUINNEY & NEBEKER P.C.  
36 South State Street, Suite 1400  
P. O. Box 45385  
Salt Lake City, Utah 84145-0385  
Telephone: (801) 532-1500  
Facsimile: (801) 532-7543

*Attorneys for Defendant Lens.Com, Inc.*

---

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

---

1-800 CONTACTS, INC., a Delaware  
corporation,

Plaintiff,

v.

LENS.COM, INC., d/b/a LENS.COM,  
JUSTLENS.COM, and JUSTLENSES.COM, a  
Nevada corporation,

Defendant.

**LENS.COM'S MOTION FOR  
SUMMARY JUDGMENT**

Civil No. 2:07-CV-591

Judge Clark Waddoups

---

Defendant Lens.Com, Inc. ("Lens.Com"), by and through its counsel, hereby files its Motion for Summary Judgment. This motion, made pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby seeks dismissal, with prejudice, of all claims and causes of action in the Amended Complaint. This motion is supported by the memorandum filed herewith.

DATED this 2<sup>nd</sup> day of February, 2009.

RAY QUINNEY & NEBEKER P.C.

/s/ Mark M. Bettilyon

Mark M. Bettilyon

Arthur B. Berger

Elaina M. Maragakis

Scott R. Ryther

Cody W. Zumwalt

HOWARD, PHILLIPS & ANDERSEN

*Attorneys for Defendant Lens.Com, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2<sup>nd</sup> day of February 2009, I electronically filed the foregoing **LENS.COM'S MOTION FOR SUMMARY JUDGMENT** with the Clerk of Court using the CM/ECF system, which sent notification of such filing to the following:

Bryan G. Pratt  
RADER FISHMAN & GRAUER  
10653 S River Front Pkwy, Suite 150  
South Jordan, UT 84095  
[bgp@raderfishman.com](mailto:bgp@raderfishman.com)

R. Terrance Rader  
Kristin L. Murphy  
Linda D. Mettes  
RADER, FISHMAN & GRAUER, PLLC  
39533 Woodward Ave., Suite 140  
Bloomfield Hills, Michigan 48304  
[rtr@raderfishman.com](mailto:rtr@raderfishman.com)  
[klm@raderfishman.com](mailto:klm@raderfishman.com)  
[ldm@raderfishman.com](mailto:ldm@raderfishman.com)

David J. Steele  
CHRISTIE PARKER & HALE  
3501 Jamboree Road, Suite 600  
Newport Beach, California 92660  
[djslit@chp.com](mailto:djslit@chp.com)

/s/ Lori M. McGee